Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 1 of 32

Official Form 1 (1/08)		<u> Documen</u>	ıt	Pag	ge 1 of	32			
	United State							Voluntary	Petition
NOI	RTHERN DISTR	CICT OF IL	LINC	ois					
Name of Debtor (if individual, enter Last, First, M	iddle):			Nam	e of Joint Do	ebtor (Spou	se)(Last, First, Mide	dle):	
Pearce, Perry F.  All Other Names used by the Debtor in the la				A 11. C	Mar. N		Lainet Daletan in	41 1 4 0	
(include married, maiden, and trade names):  NONE						aiden, and trad		the last 8 years	
Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 3683					our digits of S		vidual-Taxpayer l	I.D. (ITIN) No./Comple	ete EIN
Street Address of Debtor (No. & Street, City, and State):  5722 South Ada Street						f Joint Debtor	(No. & Stre	eet, City, and State):	
Chicago IL ZIPCODE									ZIPCODE
		60636-18	332						ZIPCODE
County of Residence or of the Principal Place of Business: Cook		•			ity of Reside	ence or of the f Business:			
Mailing Address of Debtor (if different from s	street address):			Mail	ing Address	of Joint Debt	or (if differen	nt from street address):	
SAME									
		ZIPCODE							ZIPCODE
Location of Principal Assets of Business Deb (if different from street address above): <b>NOT API</b>	otor PLICABLE								ZIPCODE
Type of Debtor (Form of organization)	Nature of (Check one	of Business				Chapter of the Petition		Code Under Which (Check one box)	<u> </u>
(Check one box.)	Health Care Bus	,		$\boxtimes$	Chapter 7			Chapter 15 Petition for	or Dogognition
☐ Individual (includes Joint Debtors)	Single Asset Rea	al Estate as define	ed		Chapter 9			of a Foreign Main Pr	
See Exhibit D on page 2 of this form.	in 11 U.S.C. § 101 (51B)  Railroad				Chapter 1		Пс	Chapter 15 Petition fo	or Recognition
Corporation (includes LLC and LLP)  Partnership				님	Chapter 1 Chapter 1			f a Foreign Nonmain	
Other (if debtor is not one of the above	Stockbroker				Chapter 1	Nature of	Debts (Che	eck one box)	
entities, check this box and state type of	Commodity Bro	<del>-</del>		☐ Debts are primarily consumer debts, defined ☐ Debts are primarily					ts are primarily
entity below	Clearing Bank				in 11 U.S.C	. § 101(8) as	"incurred by an	n busi	ness debts.
	Other				individual p or househol		personal, fami	ily,	
	Tax-Exe	mpt Entity , if applicable.)					ter 11 Debtor	rs:	
	Debtor is a tax-e	xempt organizati	on	Chec	k one box:				
	under Title 26 of	f the United State						U.S.C. § 101(51D).	
	Code (the Intern	al Revenue Code	e).	De	btor is not a	small busine	ss debtor as def	fined in 11 U.S.C. §	101(51D).
Filing Fee (Check	one box)			Check if:					
Full Filing Fee attached				Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.					
Filing Fee to be paid in installments (applicable signed application for the court's consideration c				10 1	nsiders of a	illiaces) are r	C35 than \$2,170	5,000.	
to pay fee except in installments. Rule 1006(b).	See Official Form 3A.			Chec	k all applic	able boxes:			
Filing Fee waiver requested (applicable to chapt	er 7 individuals only). I	Must attach			-	g filed with th	-		
signed application for the court's consideration. S	See Offi cial Form 3B.				-	-		petition from one or U.S.C. § 1126(b).	more
State WALLS A STATE OF			ļ	CI	asses of crec	intors, in acco	ituance with 11		R COURT USE ONLY
Statistical/Administrative Information  Debtor estimates that funds will be available for	er distribution to unscou	erad araditara						THIS STACE IS TOP	COOKT OSE ONET
Debtor estimates that runds will be available to			es naid	there w	zill be no fund	ls available for			
distribution to unsecured creditors.	y is circuaded and dumi		eo para,	, unoro vi					
Estimated Number of Creditors	П	П	П						
1-49 50-99 100-199 200-9		5,001-	10,001- 25,000		25,001- 50,000	50,001- 100,000	Over 100,000		
Estimated Assets	П							1	
\$0 to \$50,001 to \$100,001 to \$500,			\$50,000,	,001	\$100,000,001	\$500,000,001	More than		
\$50,000 \$100,000 \$500,000 to \$1 millio	to \$10 n million	to \$50 million	to \$100 million		to \$500 million	to \$1 billion	\$1 billion		
Estimated Liabilities	П								
\$0 to \$50,001 to \$100,001 to \$500,000 to \$1	001 \$1,000,001 to \$10	\$10,000,001 to \$50	\$50,000, to \$100	,001	\$100,000,001 to \$500	\$500,000,001 to \$1 billion	More than \$1 billion		
millio		million	million		million				

Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main

Official Form 1 (1/08) Document Page 2 of 32 FORM B1, Page 2

	chi rage z or s	Z FORM D1,1 age 2			
Voluntary Petition (This page must be completed and filed in every case)	Name of Debtor(s):	***			
All Prior Bankruptcy Cases Filed Within Last 8 Yo	Perry F. Pea.	e, attach additional sheet)			
Location Where Filed:	Case Number:	Date Filed:			
NONE	Cuse i vamber.	Date Fried.			
Location Where Filed:	Case Number:	Date Filed:			
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of	this Debtor (If a	more than one, attach additional sheet)			
Name of Debtor:	Case Number:	Date Filed:			
District:	Relationship:	Judge:			
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)  Exhibit A is attached and made a part of this petition	I, the attorney for the petition have informed the petitioner or 13 of title 11, United Sta				
	Signature of Attorney for D	ebtor(s) Date			
Does the debtor own or have possession of any property that poses or is alleg or safety?  Yes, and exhibit C is attached and made a part of this petition.  No	ged to pose a threat of imminen	and identifiable harm to public health			
(To be completed by every individual debtor. If a joint petition is filed, each	Exhibit D spouse must complete and atta	ch a separate Exhibit D.)			
Exhibit D completed and signed by the debtor is attached and made of the sign	•				
Exhibit D also completed and signed by the joint debtor is attached a	and made a part of this petition.				
	Regarding the Debtor - Venu k any applicable box)	ie			
Debtor has been domiciled or has had a residence, principal place of bus preceding the date of this petition or for a longer part of such 180 days the		District for 180 days immediately			
There is a bankruptcy case concerning debtor's affiliate, general partner,	or partnership pending in this I	District.			
Debtor is a debtor in a foreign proceeding and has its principal place of business or assets in the United States but is a defendation the interests of the parties will be served in regard to the relief sought in	nt in an action proceeding [in a				
Certification by a Debtor Who	Resides as a Tenant of Resident	lential Property			
•	applicable boxes.)				
Landlord has a judgment against the debtor for possession of debtor	or's residence. (If box checked, or	complete the following.)			
	(Name of landlord t	hat obtained judgment)			
	(Address of landlord				
Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and					
Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.					
Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).					

Official Form 1 (1/08) Docum	
Voluntary Petition	Name of Debtor(s):
(This page must be completed and filed in every case)	Perry F. Pearce
	Signatures
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative
I declare under penalty of perjury that the information provided in this petition is true and correct.  [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.	I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.  (Check only one box.)
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b)	☐ I request relief in accordance with chapter 15 of title 11, United States  Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.
request relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.
X /s/ Perry F. Pearce	-   x
Signature of Debtor	(Signature of Foreign Representative)
Signature of Joint Debtor  Telephone Number (if not represented by attorney)	(Printed name of Foreign Representative)
Date	(Date)
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer
X /s/ Marlin E. Kirby	
Signature of Attorney for Debtor(s)	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document
Marlin E. Kirby 6203394  Printed Name of Attorney for Debtor(s)	and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to
Law Office of Marlin E. Kirby Firm Name	11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form
675 West Lake Street Address	accepting any fee from the debtor, as required in that section. Official Form 19 is attached.
Suite 136	_
Oak Park IL 60301-1473	Printed Name and title, if any, of Bankruptcy Petition Preparer
708-848-0510 Telephone Number	
Date	Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Address
Signature of Debtor (Corporation/Partnership)	X
declare under penalty of perjury that the information provided in his petition is true and correct, and that I have been authorized to ile this petition on behalf of the debtor.	Date
The debtor requests the relief in accordance with the chapter of title 1, United States Code, specified in this petition.	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.  Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is
X	assisted in preparing this document unless the bankrupicy petition preparer is not an individual.
Signature of Authorized Individual	
Printed Name of Authorized Individual	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.
Title of Authorized Individual	A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or
	imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Date

Official Form 1, 1968 (1964) 13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 4 of 32

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

n re <i>Perry</i>	F. Pearce		Case	No.
			Chap	ter 7
		Debtor(s)		

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

WARNING: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

Exhibit 2. Glock one of the me date mine solon and altaen any decamente as an otion.
1. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
2. Within the 180 days <b>before the filing of my bankruptcy case,</b> I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not I have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.]

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

Official Form 1	, <b>£49.56</b> ( <b>199</b> 6)13431	Doc 1	Filed 04/15/09 Document	Entered 04/15/09 19:09:08 Page 5 of 32	Desc Main
☐ [Must be accom	panied by a motion for deter Incapacity. (Define so as to be incapable of rea Disability. (Define	mination by the ed in 11 U.S.C alizing and ma d in 11 U.S.C. pate in a credi	ne court.]  c. § 109 (h)(4) as impaire king rational decisions w § 109 (h)(4) as physical t counseling briefing in p	the of: [Check the applicable statement]  d by reason of mental illness or mental deficient respect to financial responsibilities.);  y impaired to the extent of being unable, after erson, by telephone, or through the Internet.);	
of 11 U.S.C. §	5. The United States truste 109(h) does not apply in this	•	cy administrator has dete	rmined that the credit counseling requirement	t
I certify	y under penalty of perjury	that the info	mation provided abov	e is true and correct.	
Signature of D	ebtor: /s/ Perry	F. Peard	ce		
Date:					

CORM BEA (Official Case 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
CINII BOA (CITICIAI I OTTII GA) (12/07)		Document	Page 6 of 32	

In re Perry F. Pearce	Case No
Debtor(s)	(if known)

#### SCHEDULE A-REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	HusbandH WifeW JointJ CommunityC	Deducting any Secured Claim or	Amount of Secured Claim
Debtor's Residence located at 5722 South Ada Street, Chicago, Illinois 60636-1832	Fee Simple		\$ 145,000.00	\$ 135,681.00
Debtor's Rental Property-I located at 5734 South Ada Street, Chicago, Illinois 60636			\$ 222,000.00	\$ 222,000.00
Debtor's Rental Property-II located at 7246 South Langley Avenue, Chicago, Illinois 60619	Fee Simple		\$ 251,000.00	\$ 251,000.00

TOTAL \$ 618,000.00 (Report also on Summary of Schedules.)

B6B (Official Form 6 ASE) 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
202 (0.110101 1 0.1111 0.2) (1.2/0.1)		Document	Page 7 of 32	

In re Perry F. Pearce	Case No				
Debtor(s)	(if known				

#### SCHEDULE B-PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N o n e	Description and Location of Property	Husband Wife Joint- Community	W J	Current Value of Debtor's Interest, in Property Without Deducting any Secured Claim or Exemption
1. Cash on hand.	X	,			
Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Citibank Checking Account Location: In debtor's possession			\$ 500.00
Security deposits with public utilities, telephone companies, landlords, and others.	X				
Household goods and furnishings, including audio, video, and computer equipment.		General Household Goods Location: In debtor's possession			\$ 1,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	x				
6. Wearing apparel.		Personal Clothing Location: In debtor's possession			\$ 2,000.00
7. Furs and jewelry.	X				
Firearms and sports, photographic, and other hobby equipment.	X				
Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	x				
10. Annuities. Itemize and name each issuer.	X				
11. Interest in an education IRA as defined in 26 U.S.C. 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. 521(c).)	X				
Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X				

 вев (Official Form 6) (1) 09-13431
 Doc 1
 Filed 04/15/09
 Entered 04/15/09 19:09:08
 Desc Main Document

 Раде (1) 09-13431
 Page 8 of 32

In re Perry F. Pearce	Case No.
Debtor(s)	(if knowr

## **SCHEDULE B-PERSONAL PROPERTY**

(Continuation Sheet)

Type of Property	N	Description and Location of Property			Current Value of Debtor's Interest,
	o n e		Husband- Wife- Joint Community-	W J	in Property Without Deducting any Secured Claim or Exemption
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X				
Interests in partnerships or joint ventures. Itemize.	X				
Government and corporate bonds and other negotiable and non-negotiable instruments.	x				
16. Accounts Receivable.	X				
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	x				
Other liquidated debts owed to debtor including tax refunds. Give particulars.	X				
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X				
Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X				
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X				
22. Patents, copyrights, and other intellectual property. Give particulars.	X				
23. Licenses, franchises, and other general intangibles. Give particulars.	X				
24. Customer lists or other compilations containing personally identifiable information (as described in 11 U.S.C. 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X				
25. Automobiles, trucks, trailers and other vehicles and accessories.		2004 Ford Expedition Location: In debtor's possession			\$ 4,250.00
		location. In debtor s possession			
26. Boats, motors, and accessories.		2008 Honda Goldwing Location: In debtor's possession			\$ 30,000.00
27. Aircraft and accessories.	x				
28. Office equipment, furnishings, and supplies.	X				

BGB (Official Form 6) ASE, 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
202 (0		Document	Page 9 of 32	

In re Perry F. Pearce	Case No.
Debtor(s)	(if known

# **SCHEDULE B-PERSONAL PROPERTY**

(Continuation Sheet)

		(	-		
Type of Property	N o	Description and Location of Property	ısband Wife	-H -w/	Current Value of Debtor's Interest, in Property Without Deducting any
	n e	Com	Joint-	J	Secured Claim or Exemption
29. Machinery, fixtures, equipment and supplies used in business.	X	Comi	munity	-0	
30. Inventory.	x				
31. Animals.	x				
32. Crops - growing or harvested. Give particulars.	X				
33. Farming equipment and implements.	X				
34. Farm supplies, chemicals, and feed.	x				
35. Other personal property of any kind not already listed. Itemize.	X				

BEC (Official Form 6公司系統)09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
200 (0		Document	Page 10 of 32	

In	re		

Perry F. Pearce	Case No.	
Debtor(s)	,	(if known)

# SCHEDULE C-PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under: 

☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

(Check one box)

☐ 11 U.S.C. § 522(b) (2)

☑ 11 U.S.C. § 522(b) (3)

Description of Property	Specify Law Providing each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemptions
Debtor's Residence	735 ILCS 5/12-901	\$ 9,319.00	\$ 145,000.00
Citibank Checking Account	735 ILCS 5/12-1001(b)	\$ 500.00	\$ 500.00
General Household Goods	735 ILCS 5/12-1001(b)	\$ 1,000.00	\$ 1,000.00
Personal Clothing	735 ILCS 5/12-1001(a)	\$ 2,000.00	\$ 2,000.00
2008 Honda Goldwing	735 ILCS 5/12-1001(b)	\$ 2,500.00	\$ 30,000.00

Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 11 of 32

B6D (Official Form 6D) (12/07)

<b>In re</b> Perry F. Pearce	Case No.
Debtor(s)	(if know

#### SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is the creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H – Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

Creditor's Name and Mailing Address Including ZIP Code and Account Number (See Instructions Above.)	Co-Debtor	Date Claim was Incurred, Noted Lien, and Description and Value of Property Subject to HHusband WWife JJoint CCommunity		Unliquidated	Amount of Claim Without Deducting Value of Collateral	Unsecu Portion, I	
Account No: 9147  Creditor # : 1  American Honda Finance  1030 Cambridge Square  Alpharetta GA 30201		2008-05-16 Purchase Money Se First lien on 200 Goldwing. Debtor retain vehicle.  Value: \$ 30,000.00	8 Honda		\$ 27,156.00		\$ 0.00
Account No: 0891 Creditor # : 2 Countrywide 450 American St Simi Valley CA 93065		2005-09-23 Mortgage First mortgage on Residence. Debtor retain residence.  Value: \$ 145,000.00	intends to		\$ 135,681.00		\$ 0.00
Account No: 0212  Creditor # : 3  Countrywide  450 American Street  Simi Valley CA 93065		2007-04-04 Mortgage First Mortgage on Rental Property-I intends to surren Value: \$ 222,000.00	. Debtor der interest		\$ 222,755.00	\$	755.00
1 continuation sheets attached	1	, , , , , , , , , , , , , , , , , , , ,	Subto (Total of this	s page otal \$		<u> </u>	755.00

Schedules.)

Statistical Summary of Certain Liabilities and Related Data) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 12 of 32

B6D (Official Form 6D) (12/07) - Cont.

In re Perry F. Pearce	, Case No.
Debtor(s)	(if known)

#### SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet) **Amount of Claim** Unsecured Date Claim was Incurred, Nature Creditor's Name and **Mailing Address** Without of Lien, and Description and Market Portion, If Any Unliquidated Including ZIP Code and Contingent Value of Property Subject to Lien **Deducting Value** Disputed **Account Number** of Collateral H--Husband (See Instructions Above.) W--Wife J--Joint C--Community Account No: 0637 \$ 0.00 \$ 251,000.00 2007-06-28 Creditor # : 4 Mortgage IndyMac Bank, FSB First Mortgage on Debtor's 6900 Beatrice Drive Rental Property-II. Debtor Kalamazoo MI 49009-9559 intends to surrender interest Value: \$ 251,000.00 Account No: Value: 1 Sheet no. 1 continuation sheets attached to Schedule of Creditors Subtotal \$ \$ 251,000.00 \$ 0.00 (Total of this page Holding Secured Claims Total \$ \$ 636,592.00 \$ 755.00

(Use only on last page)

B6E (Official Form 6E) (1207) 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Page 13 of 32 Document

In re Perry F. Pearce	, Case No.
Dobtow(o)	

Debtor(s)

(if known)

#### SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is

disp	uted, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)								
box I	Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.								
•	Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to ity listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts rt this total also on the Statistical Summary of Certain Liabilities and Related Data.								
	Report the total of amounts NOT entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not ed to priority listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Individual debtors with primarily consumers report this total also on the Statistical Summary of Certain Liabilities and Related Data.								
$\boxtimes$	Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.								
TYF	PES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)								
	Domestic Support Obligations  Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).								
	Extensions of credit in an involuntary case  Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).								
	Wages, salaries, and commissions Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).								
	Contributions to employee benefit plans  Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).								
	Certain farmers and fishermen Claims of certain farmers and fishermen, up to \$5,400* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).								
	Deposits by individuals Claims of individuals up to \$2,425* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).								
	Taxes and Certain Other Debts Owed to Governmental Units  Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).								
	Commitments to Maintain the Capital of an Insured Depository Institution  Claims based on commitments to FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).								
	Claims for Death or Personal Injury While Debtor Was Intoxicated  Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a								

drug, or another substance. 11 U.S.C. § 507(a)(10).

<sup>\*</sup>Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 14 of 32

B6F (Official Form 6F) (12/07)

In re Perry F. Pearce	,	Case No.	
Dobto #/o)	<u> </u>		

Debtor(s)

(if known)

#### SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedules. Report this total also on the Summary of Schedules, and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

Creditor's Name, Mailing Address including Zip Code, And Account Number (See instructions above.)	Co-Debtor	J,	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State.  Husband -Wife Joint Community	Contingent	Unliquidated	Disputed	Amount of Claim
Account No: 2308  Creditor # : 1 Citi P. O. Box 6241 Sioux Falls SD 57117-6241			1989-09-01 Credit Card Purchases				\$ 183.00
Account No: 3010  Creditor # : 2 Discover Financial Services Post Office Box 15316 Wilmington DE 19850-5316			1994-10-18 Credit Card Purchases				\$ 7,434.00
Account No: 1891  Creditor # : 3  First Premier Bank  3820 North Louise Ave  Sioux Falls SD 57104			2008-05-29 Credit Card Purchases				\$ 265.00
Account No: 7869  Creditor # : 4  HSBC Bank  P.O Box 5253  Carol Stream IL 60197-5253			2008-11-29 Credit Card Purchases Re: Orchard Bank				\$ 360.00
1 continuation sheets attached	Į	<u>!</u>	1	Sub	tota	•	\$ 8,242.00

(Use only on last page of the completed Schedule F. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data)

Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 15 of 32

B6F (Official Form 6F) (12/07) - Cont.

In re <u>Perry</u>	F. Pearce	,	Case No.	
			_	

Debtor(s)

(if known)

# SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

<del>}</del>			(Continuation Sneet)				
Creditor's Name, Mailing Address including Zip Code, And Account Number (See instructions above.)	Co-Debtor	JJ	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State.  Husband Wife oint Community	Contingent	Unliquidated	Disputed	Amount of Claim
Account No: 3154  Creditor # : 5  Peoples Gas  130 East Randolph Street  Chicago IL 60601-6207			2002-12-28 Utility Bills				\$ 225.00
Account No: 1391  Creditor # : 6 Sam's Club P.O. Box 981064 El Paso TX 79998-1064			2004-12-26 Credit Card Purchases				\$ 768.00
Account No: 0655  Creditor # : 7 Wells Fargo Financial Cards P.O. Box 5943 Sioux Falls SD 57117-5943			2005-03-25 Credit Card Purchases				\$ 25.00
Account No:	_						
Account No:							
Account No:							
Sheet No. 1 of 1 continuation sheets attach Creditors Holding Unsecured Nonpriority Claims	ed t	o So	chedule of  (Use only on last page of the completed Schedule F. Report also on Summand, if applicable, on the Statistical Summary of Certain Liabilities.	nary of S	Tota ched	al \$ ules	\$ 1,018.00 \$ 9,260.00

BGG (Official Form 6 ASP) 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
200 (011101011 01111 00) (12/01)		Document	Page 16 of 32	

n re Perry F. Pearce	/ Debtor	Case No.	
			(if known)

# SCHEDULE G-EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State the nature of debtor's interests in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

□ Check this box if the debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract.	Description of Contract or Lease and Nature of Debtor's Interest. State whether Lease is for Nonresidential Real Property. State Contract Number of any Government Contract.

BEH (Official Form 6 ASE) 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
Borr (Gritelat i Griti Gri) (12/07)		Document	Page 17 of 32	

In re Perry F. Pearce	/ Debtor	Case No.	
		_	(if known)

#### SCHEDULE H-CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by the debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtors spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

□ Check this box if the debtor has no codebtors.

Name and Address of Codebtor	Name and Address of Creditor

BSI (Official Form 61) Case 09-13431	Doc 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
Doi (Official Form of) (12/07)		Document	Page 18 of 32	

nre Perry F. Pearce	Case No.
Debtor(s)	(if known)

# SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

-	urrent monthly income calculated on Form 22A, 22B, or 22C.				
Debtor's Marital	DEPENDENTS OF DEBTOR AND SPOUSE				
Status: Single	RELATIONSHIP(S):		AGE(S):		
EMPLOYMENT:	DEBTOR		SPO	USE	
Occupation	Motor Truck Driver				
Name of Employer	City of Chicago Water Dept.				
How Long Employed	15 Years				
Address of Employer	3901 South Ashland Chicago IL 60609				
INCOME: (Estimate of average	ge or projected monthly income at time case filed)	<u>.</u>	DEBTOR		POUSE
Monthly gross wages, sala     Estimate monthly overtime	ary, and commissions (Prorate if not paid monthly)	\$ \$	3,632.00 0.00	1	0.00 0.00
3. SUBTOTAL	•	\$	3,632.00	•	0.00
4. LESS PAYROLL DEDUCT		<u> </u>		_	
<ul> <li>a. Payroll taxes and social</li> <li>b. Insurance</li> </ul>	al security	\$ \$	0.00 0.00	T	0.00 0.00
c. Union dues		\$	0.00	\$	0.00
d. Other (Specify):		\$	0.00	\$	0.00
5. SUBTOTAL OF PAYROLI	L DEDUCTIONS	\$	0.00	\$	0.00
6. TOTAL NET MONTHLY T	AKE HOME PAY	\$	3,632.00	\$	0.00
<ol> <li>Regular income from oper</li> <li>Income from real property</li> </ol>	ration of business or profession or farm (attach detailed statement)	\$ \$	0.00 0.00	Ŧ	0.00 0.00
Income from real property     Interest and dividends		\$ \$	0.00	Ŧ	0.00
<ol><li>Alimony, maintenance or of dependents listed above.</li></ol>	support payments payable to the debtor for the debtor's use or that	\$	0.00	\$	0.00
11. Social security or govern	ment assistance				
(Specify):		\$ \$	0.00 0.00		0.00 0.00
<ul><li>12. Pension or retirement inc</li><li>13. Other monthly income</li></ul>	come	Φ	0.00	φ	0.00
(Specify):		\$	0.00	\$	0.00
14. SUBTOTAL OF LINES 7	THROUGH 13	\$	0.00	\$	0.00
15. AVERAGE MONTHLY IN	ICOME (Add amounts shown on lines 6 and 14)	\$	3,632.00	\$	0.00
16. COMBINED AVERAGE N	MONTHLY INCOME: (Combine column totals		\$	3,632.0	<u>o_</u>
from line 15; if there is onl	ly one debtor repeat total reported on line 15)	, ,	also on Summary of So ical Summary of Certair		
17 Describe any increase	or decrease in income reasonably anticipated to occur within the year	following the filing	a of this document:		
17. Describe any morease	, or acoreage in moothe reaconably anticipated to cool within the year	Tollowing the min	g of this document.		

In re Perry F. Pearce	, Case No
Debtor(s)	(if known)

### SCHEDULE J-CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$ 1,397.00
a. Are real estate taxes included? Yes 🛛 No 🗌	
b. Is property insurance included? Yes 🛛 No 🗌	
2. Utilities: a. Electricity and heating fuel	\$ 474.00
b. Water and sewer	\$ 79.00
c. Telephone d. Other <b>Cellular Phone</b>	\$ 145.00
Other Galda W. V. (Galadilika Diak	\$ 166.00
	\$ 84.00
Other Internet	\$ 35.00
3. Home maintenance (repairs and upkeep)	\$ 100.00
4. Food	\$ 400.00
5. Clothing	\$ 120.00
6. Laundry and dry cleaning	\$ 30.00
7. Medical and dental expenses	\$ 34.00
8. Transportation (not including car payments)	\$ 240.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ 150.00
10. Charitable contributions	\$ 0.00
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	\$ 0.00
b. Life	\$ 360.00
c. Health	\$ 0.00
d. Auto	\$ 120.00
e. Other	\$ 0.00
Other	\$ 0.00
Other	\$ 0.00
12. Taxes (not deducted from wages or included in home mortgage)	0.00
(Specify)	\$ 0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	\$ 500.00
a. Auto	
b. Other:	·
c. Other:	
d. Other:	*
14. Alimony, maintenance, and support paid to others	\$ 0.00
15. Payments for support of additional dependents not living at your home	\$ 0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ 0.00
17. Other:	\$ 0.00 \$ 0.00
Other: Other:	
Other.	*
18. AVERAGE MONTHLY EXPENSES Total lines 1-17. Report also on Summary of Schedules	\$ 4,434.00
and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 16 of Schedule I	\$ 3,632.00
b. Average monthly expenses from Line 18 above	\$ 4,434.00
c. Monthly net income (a. minus b.)	\$ (802.00)

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re <i>Perry F. Pearce</i>		Case No.	
		Chapter	7
	_/ Debtor		

# **SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data"if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	Attached (Yes/No)	No. of Sheets	ASSETS	LIABILITIES	OTHER
A-Real Property	Yes	1	\$ 618,000.00		
B-Personal Property	Yes	3	\$ 37,750.00		
C-Property Claimed as Exempt	Yes	1			
D-Creditors Holding Secured Claims	Yes	2		\$ 636,592.00	
E-Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		\$ 0.00	
F-Creditors Holding Unsecured Nonpriority Claims	Yes	2		\$ 9,260.00	
G-Executory Contracts and Unexpired Leases	Yes	1			
H-Codebtors	Yes	1			
I-Current Income of Individual Debtor(s)	Yes	1			\$ 3,632.00
J-Current Expenditures of Individual Debtor(s)	Yes	1			\$ 4,434.00
ТОТ	AL	14	\$ 655,750.00	\$ 645,852.00	

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re Perry F.	Pearce	Case No.	
		Chapter	7

### STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8), filing a case under chapter 7, 11, or 13, you must report all information requested below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule	\$ 0.00
E Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
TOTAL	\$ 0.00

#### State the following:

Average Income (from Schedule I, Line 16)	\$ 3,632.00
Average Expenses (from Schedule J, Line 18)	\$ 4,434.00
Current Monthly Income (from Form 22A Line 12: OR, Form 22B Line 11: OR, Form 22C Line 20)	\$ 3,632.00

#### State the following:

Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ 755.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	\$ 0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ 0.00
4. Total from Schedule F		\$ 9,260.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ 10,015.00

B6 Declaration (Official PSI 09-13431 (12/17) OC 1	Filed 04/15/09	Entered 04/15/09 19:09:08	Desc Main
		Daga 22 of 22	

Document Page 22 of 32

In re Perry F. Pearce	Case No.
Debtor	(if known)

# **DECLARATION CONCERNING DEBTOR'S SCHEDULES**

#### DECLARATION UNDER PENALTY OF PERJURY BY AN INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the correct to the best of my knowledge, information and		sheets, and that they are true and
Date:	Signature /s/ Perry F. Pearce Perry F. Pearce	
	[If joint case, both spouses must sign.]	

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

Form 7 (12/07) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main

# Document Page 23 of 32 UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re: Perry F. Pearce

Case No.

#### STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not diclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007 (m).

Questions 1-18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19-25. If the answer to an applicable question is "None," mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

#### **DEFINITIONS**

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor my also be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporation debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. §101.

#### 1. Income from employment or operation of business

None

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT SOURCE

Year to date: \$12,712.00 Last Year: \$60,000.00 Year before: \$56,000.00

#### 2. Income other than from employment or operation of business

None

State the amount of income received by the debtor other than from employment, trade, profession, operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

Form 7 (12/07) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 24 of 32

#### 3. Payments to creditors

None

Complete a. or b., as appropriate, and c.

a. Individual or joint debtor(s) with primarily consumer debts: List all payments on loans, installment purchases of goods or services, and other debts to any creditor, made within 90 days immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None

b. Debtor whose debts are not primarily consumer debts: List each payment or other transfer to any creditor made within 90 days immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,475. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filingunder chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None

c. All debtors: List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 4. Suits and administrative proceedings, executions, garnishments and attachments

None

a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case.

(Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER

NATURE OF PROCEEDING

COURT OR AGENCY AND LOCATION

STATUS OR DISPOSITION

Stayed Pending

Bankruptcy

Countrywide Home Loans v. Perry F. Pearce, 08CH34159 Foreclosure

In the Circuit Court of Cook County, Illinois, County Department, Chancery Division

None

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 5. Repossessions, foreclosures and returns

None

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 6. Assignments and receiverships

None

a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

Form 7 (12/07) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Page 25 of 32 Document

None  $\boxtimes$ 

b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 7. Gifts

None  $\boxtimes$ 

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 8. Losses

None  $\boxtimes$ 

List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 9. Payments related to debt counseling or bankruptcy

None

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE

DATE OF PAYMENT, AMOUNT OF MONEY OR NAME OF PAYER IF OTHER THAN DEBTOR DESCRIPTION AND VALUE OF PROPERTY

Payee: Marlin E. Kirby

Date of Payment: March 26,

\$1,090.00

Address:

2009

675 West Lake Street

Suite 136

Oak Park, IL 60301-1473

Payor: Perry F. Pearce

#### 10. Other transfers

None  $\boxtimes$ 

a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within two years immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None X

b. List all property transferred by the debtor within ten years immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a benificiary.

#### 11. Closed financial accounts

None  $\boxtimes$ 

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

Form 7 (12/07) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 26 of 32

#### 12. Safe deposit boxes

None

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 13. Setoffs

None

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

#### 14. Property held for another person

None

List all property owned by another person that the debtor holds or controls.

#### 15. Prior address of debtor

None

If the debtor has moved within three years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

#### 16. Spouses and Former Spouses

None

If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within eight years immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

#### 17. Environmental Information

None

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to disposal sites.

"Hazardous Material" means anything defined as hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar termunder an Environmental Law:

a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

None

b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

Form 7	(12/07)	Case 09-13431	Doc 1	Filed 04/15/09 Document	Entered 04/15/09 19:09:08 Page 27 of 32	Desc Main
None			-	=	ers, under any Environmental Law, with respect to the proceeding, and the docket number.	which the debtor is or was a party.
None	a. If the busines employed ebtor of busines comments business	ses in which the debtor was ad in a trade, profession, or waned 5 percent or more of the lift the debtor is a partnershi ses in which the debto acment of this case.	st the names, as an officer, dir other activity eige voting or equity p, list the namer was a partne	addresses, taxpayer-identi ector, partner, or managi ther full- or part-time with recurities within six years es, addresses, taxpayer r or owned 5 percent or es, addresses, taxpayer	fication numbers, nature of the businesses, and executive of a corporation, partner in a partner in six years immediately preceding the commencement of this didentification numbers, nature of the businesses, more of the voting or equity securities, within didentification numbers, nature of the businesses, more of the voting or equity securities within a more of the voting or equity securities within a more of the voting or equity securities within a	ership, sole proprietor, or was self- cement of this case, or in which the case  and beginning and ending dates of all six years immediately preceding the  and beginning and ending dates of all
None	b. Identi	fy any business listed in respo	nse to subdivisio	on a., above, that is "single	asset real estate" as defined in 11 U.S.C. § 101.	
[If comp	eted by	an individual or individual a	and spouse]			
		penalty of perjury that I have d correct.	e read the ansv	vers contained in the for	egoing statement of financial affairs and any att	achments thereto and that
[	Date		Signature of Debtor	/s/ Perry F	. Pearce	
	Date		Signature of Joint De (if any)			

FORM B8 (10/05) Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 28 of 32

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re	Perry	F.	Pearce					Case No.	
							 Debtor		

#### **CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

- ☑ I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.
- 🛮 I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.
- I intend to do the following with respect to the property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)
Debtor's Rental Property-II	IndyMac Bank, FSB	X			
Debtor's Rental Property-I	Countrywide	X			
Debtor's Residence	Countrywide		X		X
2008 Honda Goldwing	American Honda Finance		X		X

Description of Leased Property	Lessor's Name	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)

#### Signature of Debtor(s)

Date:	Debtor: /s/ Perry F. Pearce
Date:	Joint Debtor:

Rule 2016(b) (8) (ase 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Document Page 29 of 32

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re	Perry F. Pearce		Case No. Chapter	
		/ Debtor		
	Attorney for Debtor: Marlin E. Kirby			

## **STATEMENT PURSUANT TO RULE 2016(B)**

The undersigned,	pursuant to	Rule 2016(b)	Bankruptcy	Rules	states that
THE UNIQUISIGNED,	pursuant to	1 (uic 20 10(b),	Dariniapicy	i tuico,	states triat

- 1. The undersigned is the attorney for the debtor(s) in this case.
- 2. The compensation paid or agreed to be paid by the debtor(s), to the undersigned is:
- 3. \$ 299.00 of the filing fee in this case has been paid.
- 4. The Services rendered or to be rendered include the following:
  - a) Analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under title 11 of the United States Code.
  - b) Preparation and filing of the petition, schedules, statement of financial affairs and other documents required by the court.
  - c) Representation of the debtor(s) at the meeting of creditors.
- 5. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and

None other

6. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and

None other

7. The undersigned has received no transfer, assignment or pledge of property from debtor(s) except the following for the value stated:

None

8. The undersigned has not shared or agreed to share with any other entity, other than with members of undersigned's law firm, any compensation paid or to be paid except as follows:

None

Dated: Respectfully submitted,

X /s/ Marlin E. Kirby
Attorney for Petitioner: Marlin E. Kirby

Law Office of Marlin E. Kirby

675 West Lake Street

Suite 136

Oak Park IL 60301-1473

Form B 21 Office as & 20 9 e1 343 fson, Docst 1, NY Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Page 30 of 32 Document (12/03)

# FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

# **UNITED STATES BANKRUPTCY COURT** NORTHERN DISTRICT OF ILLINOIS **EASTERN DIVISION**

In re Perry F. Pearce

STATEMENT OF SOCIAL SECURITY NUMBER(S)					
Last four digits of Social Security No(s).: 3683	/ Debtor				
Employer's Tax Identification No(s). [if any]:					
Chicago, IL 60636-1832					
Address: 5722 South Ada Street					
	Chapter 7				
	Case No.				

	tor (enter Last, First, Middle): <u>Pearce, Perry F.</u> opriate box and, if applicable, provide the required information.)		
Debtor ha	as a Social Security Number and it is: 323-78-368	3	
_	(If more than one, state all.)		
Debtor do	pes not have a Social Security Number.		
2. Name of Join	t Debtor (enter Last, First, Middle):		
(Check the appro	priate box and, if applicable, provide the required information.)		
Joint Deb	otor has a Social Security Number and it is:		
	(If more than one, state all.)		
Joint Deb	otor does not have a Social Security Number.		
I declare under pe	enalty of perjury that the foregoing is true and corre	ect.	
Х	/s/ Perry F. Pearce		_
	Signature of Debtor	Date	
X			
^	Signature of Joint Debtor	Date	-

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.

<sup>\*</sup>Joint debtors must provide information for both spouses.

# UNITED STATES BANKRUPTCY COURT

# NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

#### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

#### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### **Chapter 7**: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 fling fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years

Case 09-13431 Doc 1 Filed 04/15/09 Entered 04/15/09 19:09:08 Desc Main Page 2

or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

#### Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

#### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

#### **Certificate of Attorney**

I hereby certify that I delivered to the debtor this notice	e required by § 342(b) of the Bankruptcy C	ode
Printed name and title, if any, of Bankruptcy Petition Preparer	Date	
Address:		
X		
Signature of Attorney		
Certifica I (We), the debtor(s), affirm that I (we) have received and	nte of the Debtor	
T (we), the debtor(s), aminimulat T (we) have received and		
<del></del>	X	
Printed Name(s) of Debtor(s)	Signature of Debtor	Date
Case No. (if known)	X	
	Signature of Joint Debtor (if any)	Date